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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,795	07/03/2001	Douglas J. Murray	BAO-0021	1868

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[REDACTED] EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
	3679

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/898,795	MURRAY, DOUGLAS J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenn Thompson	3679	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Peri d f r Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disp sition of Claims

- 4) Claim(s) 12-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-23 and 25-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because additional information such as the title of the invention should not appear on the Abstract page.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 19, 25 and 26 are objected to because of the following informalities:

Claims 19 and 26 depend from cancelled claim 1. For the sake of expediting the examination process the Examiner will treat claims 19 and 26 as to depend from claim 29.

The recitation "well" in claim 25, line 3 should be changed to "wall".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baugh et al., 5,335,737 in view of McNair et al., U.S. 5,311,936.

Regarding claim 29, Baugh et al. discloses in figures 1-2 a multilateral reference point. Baugh et al. discloses a tubular member sleeve (16) at least a portion of which is circumferentially closed. Baugh et al. discloses an orientation profile (18) disposed at an axial end of the sleeve. Baugh et al. discloses the tubular sleeve having a packer assembly to allow retention of the tubular sleeve member in the wellbore. Baugh et al. does not disclose the tubular sleeve having a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable. McNair et al. teaches in figure 4A use of a tubular sleeve (74) having a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable to provide means for entry to lateral and vertical branches of a multilateral well (col. 5, lines 43-47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tubular sleeve disclosed by Baugh et al. to have a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable; as taught by McNair et al. to provide means for entry to lateral and vertical branches of a multilateral well. It is well known that such a modification provides zone isolation so that separate multilaterals may be individually isolated from one another for isolating production from one lateral to another lateral zone via discrete conduits.

As to claim 12, Baugh et al. discloses the orientation profile having an orientation opening (center bottom of 18).

As to claim 13, Baugh et al. discloses the opening is a slot.

As to claim 14, Baugh et al. discloses a surface (18 at 14) of the orientation profile is positioned proximate the wellbore casing.

As to claim 15, Baugh et al. discloses orientation slot extends along a wall of the tubular member from the orientation profile (col. 5, lines 24-26) and is configured to receive a pin (114) on a separate tool (100) to orient the separate tool.

As to claim 16, Baugh et al. discloses the tubular member is anchorable within the wellbore (via 70).

As to claim 17, Baugh discloses the downhole end of the tubular member is radially expandable to engage an inner surface of the casing (col. 4, lines 54-57).

As to claim 18, Baugh discloses the downhole end of the tubular member (30) has a lesser thickness than the uphole end of the tubular.

Regarding claim 19, Baugh discloses in figures 1-2 a method for orientating a tool (100) in a wellbore (14). Baugh discloses running a multilateral reference point sleeve (16) into a tubing string in a wellbore. Baugh discloses anchoring (via 70) the multilateral reference point sleeve to an inner surface of the casing (14). Baugh discloses running the tool (100) into the casing. Baugh discloses causing a pin (114) on the tool (100) to engage an orientation profile (18) on the multilateral reference point sleeve.

As to claim 20, Baugh discloses causing the pin (114) on the tool to engage an orientation opening (lower center of 18) on the orientation profile (18).

As to claim 21, Baugh discloses the opening is a slot.

As to claim 22, Baugh discloses that causing the pin on the tool to engage the orientation profile rotates the tool into a desired orientation (col. 5, lines 24-26).

As to claim 23, Baugh discloses that causing the pin of the tool to engage the orientation slot causes the tool to be retained in position (col. 5, lines 26-31).

Regarding claim 25, Baugh discloses a tubular member (16) as least a portion of which is circumferentially closed and configured to be received in a casing of a wellbore (14). Baugh discloses the tubular member having an uphole end (80) and a down hole end (30,10,34). Baugh discloses the uphole end defines an orientation profile (18) configured to cause a pin (114) on a separate tool (100) to ride along the orientation profile causing the separate tool to orientate (col. 5, lines 24-31). Baugh et al. discloses the tubular sleeve having a packer assembly to allow retention of the tubular sleeve member in the wellbore. Baugh et al. does not discloses the tubular sleeve having a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable. McNair et al. teaches in figure 4A use of a tubular sleeve (74) having a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable to provide means for entry to lateral and vertical branches of a multilateral well (col. 5, lines 43-47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tubular sleeve disclosed by Baugh et al. to have a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable; as taught by McNair et al. to provide means for entry to lateral and vertical branches of a multilateral well. It is well known that such a modification provides zone isolation so that separate multilaterals may be individually isolated from one another for isolating production from one lateral to another lateral zone via discrete conduits.

As to claim 26, Baugh discloses running a multilateral reference point sleeve (16) into a tubing string in a wellbore. Baugh discloses expanding the multilateral reference point sleeve to achieve an interference fit with an inner surface of the casing to permanently anchor the multilateral reference point in the wellbore (col. 3, lines 60-64; permanent in that it is lasting or remaining without essential change). Baugh discloses running the tool (100) into the wellbore. Baugh discloses causing the pin on the tool to engage an orientation profile (col. 5, lines 24-26) on the multilateral reference point sleeve such that the tool is oriented by an interaction between the pin and the orientation profile.

As to claim 27, Baugh discloses the opening is an orientation slot.

As to claim 28, Baugh discloses that causing the pin of the tool to engage the orientation slot causes the tool to be retained in an orientated position (col. 5, lines 26-31).

### ***Response to Arguments***

Applicant's arguments filed 19 June 2003 have been fully considered but they are not persuasive.

Applicant argues that Baugh et al. discloses a whipstock and not a multilateral reference point. However by definition a whipstock is a multilateral reference point in function, and the prior art of record discloses all the structural limitations of the claimed multilateral reference point. Applicant should note that a multilateral reference point by definition is not necessarily a whipstock.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications and 703 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-2168.

KT

September 4, 2003



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